

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

COLORQUICK, L.L.C.,	§	
	§	
<i>Plaintiff,</i>	§	
	§	No. 6:09-CV-323-LED
v.	§	
	§	JURY DEMANDED
VISTAPRINT LIMITED, and OFFICEMAX INCORPORATED,	§	
	§	
<i>Defendants.</i>	§	

STIPULATION OF DISMISSAL

Plaintiff ColorQuick, L.L.C. (“ColorQuick”) and Defendant Vistaprint Limited (“Vistaprint”) hereby stipulate and agree to the dismissal with prejudice of ColorQuick’s claims that Vistaprint infringes certain claims of patent-in-suit under Federal Rules of Civil Procedure 41(a)(1)(A)(ii) and 41(c)(2), as specified below (together, the “Stipulation”).

WHEREAS, ColorQuick filed Plaintiff’s First Amended Complaint for Patent Infringement and Jury Demand on October 27, 2010 (Dkt. 111), alleging that Vistaprint directly infringe U.S. Patent No. 6,839,149 (“the ‘149 patent”);

WHEREAS, ColorQuick served Plaintiff’s First Amended Disclosures Under P.R. 3-1 on September 29, 2010, asserting claims 1-5, 7, 9-12, 25-29, 31, and 33-36 of the ‘149 patent against Vistaprint;

WHEREAS, ColorQuick previously agreed to withdraw its infringement allegations regarding claims 25-29, 31, and 33-36 (Dkt. 174);

WHEREAS, ColorQuick agrees to withdraw its infringement allegations regarding claims 7 and 10; and

WHEREAS, the parties desire to narrow issues in the case for trial.

THEREFORE, the parties hereby STIPULATE and AGREE to the following concerning the claims and defenses currently at issue:

1. ColorQuick hereby dismisses with prejudice its claim that Vistaprint infringes claims 7 and 10 of the '149 patent. With respect to the dismissal of this claim, each of the parties agree to be responsible for its own costs, attorney's fees, and expenses.
2. The parties further agree that the existence of the Stipulation and the substance thereof cannot be used before a jury at trial or otherwise in these proceedings except to enter or enforce this Stipulation.

Dated: June 14, 2011

Respectfully submitted,

/s/ Justin B. Kimble

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ATTORNEYS FOR DEFENDANTS
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-f(a)(3) on June 14, 2011.

/s/ Justin B. Kimble